

12/11/2019

JULIA C. DUDLEY, CLERK

BY: s/ A. Little  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**  
LYNCHBURG DIVISION

GEBO CERMEX USA, INC., *et al.*,

*Plaintiffs,*

v.

ALLIANCE INDUSTRIAL CORPORATION,

*Defendant.*

CASE No. 6:18-cv-00080

PRE-MARKMAN ORDER

JUDGE NORMAN K. MOON

This matter is before the Court regarding the *Markman* hearing, scheduled for Friday, January 10, 2020 at 9:30 AM in Lynchburg, Virginia.

In the interests of establishing an efficient and mutually-agreeable format for the scheduled *Markman* hearing, the Court proposes the following principles and procedures. If no party requests changes within seven (7) days from the issuance of this Order, it shall govern the format of the *Markman* hearing.

1. Duration. The *Markman* hearing will be no longer than two (2) hours, being the amount of time requested by the parties.
2. Technology Tutorials. The Court finds the presentation of a technology tutorial (or tutorials) to be appropriate and desirable under the facts of this case, which will take place at the beginning of the *Markman* hearing. While the Court will not prescribe any particular format for the tutorial, its emphasis should be on providing the Court with a neutral and educational primer on the relevant technology at issue and how it relates to

patent claims at issue in this case.<sup>1</sup> The tutorial may be presented by counsel or experts as the parties see fit. Materials used in the presentation of the tutorial, *i.e.*, Microsoft PowerPoint slides, charts, and videos, shall be submitted to the Court no later than seven (7) days prior to the *Markman* hearing.<sup>2</sup>

3. Live Testimony. The Court will permit live testimony at the *Markman* hearing. The parties shall file with the Clerk of the Court a list of all witnesses the parties intend to call to testify, as well as a summary of testimony, no later than seven (7) days prior to the *Markman* hearing, if they have not already done so.

It is so **ORDERED**.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

Entered this 11th day of December, 2019.

  
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NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The parties may contact the Clerk of the Court in advance of the hearing with logistical questions relating to presentation technology at the hearing.

<sup>2</sup> The parties shall submit color copies of any non-black & white materials.